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April 14, 2025

BY E.C.F.

Honorable Jennifer L. Rochon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Mateo Guerrero-Tabares v. City of New York, et al., 24-CV-6361 (JLR)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, representing defendants City of New York, McCarthy, Boyle, Black, and Allicott ("Defendants") in this matter. Defendants write to respectfully request that the Court adjourn the deadline for the parties to submit a joint letter and case management plan, which are due on April 15, 2025, and the initial conference scheduled for April 29, 2025, until such time after the parties fulfill all requirements set forth by Local Rule 83.10 ("the Plan"). This is defendants' first such request.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging *inter alia* deprivation of rights in violation of the First, Fourth, Fifth, and Fourteenth Amendments. More specifically, plaintiff alleges that he was falsely arrested and subjected to excessive force on May 24, 2023. On August 23, 2024, the Court designated this case to participate under Local Rule 83.10 (the "Plan"). See ECF Entry, Notice August 23, 2024.

As such, defendants respectfully request an adjournment of the deadline to submit a joint letter and case management plan, and an adjournment of the initial conference in order to proceed in accordance with the Plan, which is designed to reach early resolution of matters without the need for Court intervention or involvement. A mediation is scheduled for April 24, 2025.

Accordingly, defendants respectfully request that the Court adjourn the date for the parties to submit a joint letter and case management plan, which are due on April 15, 2025, and

the initial conference scheduled for April 29, 2025 until such time after the parties fulfill all requirements set forth by the Plan.

Plaintiff opposes the City Defendants' proposed application to adjust the current schedule related to the April 29, 2025 initial pre-trial conference. As the Court is aware from Plaintiff's application to remove the case from the "1983 Plan" codified in Local Civil Rule 83.10 (ECF 8), "Plaintiff engaged in extensive, pre-litigation settlement efforts with the Comptroller's Office before filing this lawsuit. In connection with those efforts, Plaintiff provided the City of New York with pre-litigation discovery related to the incident and Plaintiff's injuries. Those efforts were unsuccessful because the City would not make an offer." Defendants have now made an offer. The mediation required under the 1983 Plan is set to take place on April 24, 2025. If the parties settle the case, we can inform the Court, and there will be no need to proceed with the initial pre-trial conference on the 29th. However, if there is no settlement as a result of the mediation, Plaintiff would like to proceed with the litigation without further delay, and therefore respectfully asks that the Court leave the April 29th initial pre-trial conference in place, as scheduled."

Defendants thank the Court for its consideration herein.

Respectfully submitted,

/s/ Joseph M. Hiraoka, Jr.

Joseph M. Hiraoka, Jr.

Senior Counsel

Special Federal Litigation Division

cc: **By E.C.F.**
All Counsel of Record